

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DONJUARELL YOWELL,

Plaintiff,

v.

Case No.: 13-cv-10029

RAYMOND BOOKER, ET AL,

Defendants.

Sean F. Cox
District Court Judge

Paul J. Komives
Magistrate Judge

ORDER ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

On or around January 2, 2013, Donjuarell Yowell (“Yowell”), a state prisoner, filed a *pro se* civil rights under 42 U.S.C. § 1982 Complaint, naming, among others, Defendant Vindhya Jayswardena, M.D. (“Jayswardena”), a contract medical doctor at the Ryan Road Correctional Facility. (Docket Entry No. 1, at 1, 3–8; Docket Entry No. 36, at 1.) The claims arise from medical treatment regard to medical treatment that Yowell received at the correctional facility. (*Id.*) On March 28, 2013, Jayswardena filed a Motion to Dismiss Pursuant to FED. R. CIV. P. 12(b). (Docket Entry Nos. 23.) This Court referred this matter to Magistrate Judge Paul J. Komives for a report and recommendation. (Docket Entry No. 10.)

On July 24, 2013, Magistrate Judge Komives filed his Report and Recommendation (“the R&R”), recommending that the Court **GRANT** Defendant Jayawardena’s Motion to Dismiss. (Docket Entry No. 36, at 1, 10.)

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being

served with a copy of the R&R.

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed any objections to the R&R.

The Court finds that the issues have been adequately presented in the parties' briefs and that oral argument would not significantly aid the decision making process. *See* Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motion will be decided on the briefs.

The Court hereby **ADOPTS** the July 24, 2013, R&R. For the reasons mentioned in the R&R, **IT IS ORDERED** that Defendant Jayswardena's Motion to Dismiss [Docket Entry No. 23] is **GRANTED**.

IT IS SO ORDERED.

Dated: August 15, 2013

S/ Sean F. Cox
Sean F. Cox
U. S. District Court Judge

I hereby certify that on August 15, 2013, the foregoing document was served upon counsel of record by electronic means and upon Donjuarell Yowell by First Class Mail at the address below:

DonJuarell Yowell
144535
Carson City Correctional Facility
10274 Boyer Road
Carson City, MI 48811

Dated: August 15, 2013

S/ J. McCoy
Case Manager